HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.10773 of 1999

Dated 12th day of June, 2007

Between:

G. Sambasiva Reddy
and two others ..
Petitioners

And

The District Collector,
Ranga Reddy District
and three others ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in interfering with the petitioners' land of an extent of 1000 square metres which consists of the premises bearing No.16-2-738/G/1, in S.No.318/1 situated in Gaddiannaram village and their attempts to dispossess the petitioners or demolish the existing structure, as arbitrary and illegal.

The petitioners assert that they purchased an extent of 1000 square metres of land in S.No.318/1 situated in Gaddiannaram village, Saidabad Mandal, Hyderabad, from Sri Zulfikhar Ali Khan, who is one of the beneficiaries of H.E.H., the Nizam's Trusts, by virtue of a registered sale deed dated 6.1.1986 and since then they have been in peaceful possession and enjoyment of it. This land originally belonged to H.E.H., the Nizam's Trusts. However, on the premise that there was a wrong entry in the revenue records as Kharis Khata, and the petitioners are claiming title over the property, the Mandal Revenue Officer initiated proceedings before P.A. to the Collector, however, the same was negatived by the said authority on 14.8.1980 declaring that the property in question belongs to Nizams. When the Mandal Revenue Officer questioned the order, dated 14.8.1980 by way of a revision before the Commissioner Survey Settlements and Land Records, it was dismissed on 14.9.1981. A further revision was also carried out before the Government and the same also ended in dismissal on 29.3.1984. Now, the grievance nurtured by the petitioners is that though the Government failed in all its attempts to establish that it is a land belonging to the Government, but is trying to initiate proceedings under the A.P. Land Grabbing (Prohibition) Act, 1982 (for brevity "the Act") and interfere with their peaceful possession

and enjoyment of the land in question.

Heard the learned counsel for both the parties.

According to the learned counsel for the petitioners when once the revenue authorities have decided that it is a land belonging to Nizams the question of the Government initiating the Proceedings once again under the provisions of the Act will not arise. I don't think such contention can be accepted. It is true that the authorities before whom the dispute was raised gave a finding that the entry made in the revenue records as Kharis Katha is not a wrong entry, but from that it cannot be inferred that the land belongs to the Nizams and thus the petitioners came into possession of it by virtue of a registered sale deed. It is always open for the Government to initiate proceedings under the provisions of the Act if they have sufficient material to establish that the land in question belongs to the Government and the petitioners or their predecessors in title grabbed it. Hence, I am not inclined to accept this contention. However, inasmuch as the petitioners are in possession of the land in question for the last so many years and all these forums have decided in favour of the petitioners, this Court deems it appropriate to direct the respondents not to dispossess the petitioners from the land in question without following due process of law i.e. by initiating the proceedings under the provisions of either the A.P. Land Grabbing (Prohibition) Act or any other Act which is in force.

With the above direction, this writ petition is disposed of. No costs.

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12.06.2007

bcj